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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,802	12/07/2001	John R. Fredlund	83564SLP	8932
7590	06/05/2006		EXAMINER	
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2625	
			DATE MAILED: 06/05/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/020,802	FREDLUND ET AL.
	<b>Examiner</b> Heather D. Gibbs	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3,4,7,8,10,12,17 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17 and 26 is/are allowed.
- 6) Claim(s) 3,4,7,8,10,12,22-24 and 26-28 is/are rejected.
- 7) Claim(s) 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on February 17, 2006 has been entered and made of record. Claims 3-4, 7-8, 10, 12, 22-28 are currently pending.

### ***Response to Arguments***

2. Applicant's arguments filed have been fully considered but they are not persuasive. Considering claim 4, Applicant argues Han does not teach, "Wherein the input device is a keyboard or a touch screen display". However, Col 11 Lines 45-49 teaches of the scanner being capable of incorporating a keyboard in to the input device.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4, 23, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Han (US 6,608,707).

For claim 4, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and

second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and an input device adapted to collect information associated with the digital image, and wherein the input device is a keyboard or a touch screen display (Figs 1-2; Col 3 Lines 43-60; Col 11 Lines 11-15; Figs 6-12).

Regarding claim 23, Han discloses a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost (Col 10 Lines 1-11; Fig 3; References 52 or 58).

For claim 27, Han teaches a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) a first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) a memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and a video input device for receiving one or more video clip relating to the digital image (VGA monitor; Figs 1-2,4; Col 3 Lines 43-60; Col 6 Lines 15-20; Col 11 Lines 11-15,45-49).

Considering claim 28, Han discloses a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) a first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) a memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and a modification input for zooming, cropping, or rotating the digital image before or after storage in memory (8 button navigational control panel 406; Col 3 Lines 43-60; Col 6 Lines 15-20; Col 11 Lines 11-15,45-49).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Os (US 6,480,304).

For claim 3, Han discloses a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the

open position for receiving and scanning the image to produce a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; (Figs 1-2; Col 3 Lines 43-60; Col 11 Lines 11-15).

Han does not disclose expressly an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system.

Os discloses storing images from a portable media to a portable scanning device (Col 10 Lines 10-16).

Han & Os are combinable because they are from the same field of endeavor, imaging systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Os with Han to store information on any number of non-volatile memories.

The suggestion/motivation for doing so would have been to be accessible to any computer readable media.

Therefore, it would have been obvious to combine Os with Han to obtain the invention as specified in claim 3.

Regarding claim 22, Han discloses a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost (Col 10 Lines 1-11; Fig 3; References 52 or 58).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans '707 in view of Brennan (US 5,070,966).

Han discloses a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; (Figs 1-2,4; Col 3 Lines 43-60; Coll 11 Liens 11-15).

Han does not disclose expressly a display disposed in either the first or second member for displaying the digital image and for displaying advertisement information when the system is in the open position.

Brennan discloses a scanner with a flat open for displaying of advertising or other information (Col 2 Lines 10-16).

Han & Brennan are combinable because they are from the same field of endeavor, scanners.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Brennan with Han to provide high visibility.

The suggestion/motivation for doing so would have been to provide a significant area of high traffic, as taught by Brennan.

Therefore, it would have been obvious to combine Brennan with Han to obtain the invention as specified in claim 7.

8. Claims 8,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Irons (US 6,192,165).

For claim 8, Han discloses a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image (Figs 1-2; Col 3 Lines 43-60; Col 9 Lines 25-45; Col 12 Lines 6-8).

Han does not disclose expressly software for tracking information associated with the digital image; and software for tracking information associated with the digital image, wherein the information is an image name or a scanning date.

Irons discloses wherein scanned names within a scanner are located by users a software which uses the docket number/image file name (Col 15 Lines 36-53).

Han & Irons are combinable because they are from the same field of endeavor, an apparatus using digital images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Irons with Han for such applications, such as digital filing.

The suggestion/motivation for doing so would have been to implement third party scanning to implement digital filing to decrease cost, as taught by Irons.

Therefore, it would have been obvious to combine Irons with Hans to obtain the invention as specified in claim 8.

For claim 25, Han discloses a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost (Col 10 Lines 1-11; Fig 3; References 52 or 58).

9. Claims 10,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Yamauchi et al (US 6,020,982).

For claim 10, Han discloses a portable imaging system transportable by a user for scanning an image for later production of an image product, comprising: (a) first and second member movable between an open and closed position; (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image; (c) memory for storing the digital image; (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image (Col 6 Lines 15-20; Fig 9; Col 11 Lines 11-15).

Han does not disclose expressly an audio input device for receiving audio information relating to the digital image.

Yamauchi discloses an audio input device for receiving audio information relating to the digital image (Col 8 Lines 54-58).

Han & Yamauchi are combinable because they are from the same field of endeavor, imaging system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Han with Yamauchi to incorporate a recording media.

The suggestion/motivation for doing so would have been from image playback.

Therefore, it would have been obvious to combine Han with Yamauchi to obtain the invention as specified in claim 10.

Regarding claim 12, Han discloses a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost (Col 10 Lines 1-11; Fig 3; References 52 or 58).

### ***Allowable Subject Matter***

10. Claims 17,26 are allowed.
11. The following is a statement of reasons for the indication of allowable subject matter: Claims 17,26 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches a modulated light source for illuminating the original image, said modulated light source functioning as a display when the portable image capture device is in the open position and also functioning as

a light source for the scanning area when the portable image capture device is in the closed position, including all of the features recited therein.

***Claim Objections***

12. Claim 27 is objected to because of the following informalities: change "an video input device" to --a video input device--. Appropriate correction is required.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2625

hdg



THOMAS M. LEE  
PRIMARY EXAMINER